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August 7, 2024

By ECF

Hon. Hector Gonzalez
United States District Judge for
the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Vadim Konoshchenok, 22 Cr. 409 (HG)

Hon. Gonzalez,

Mr. Konoshchenok writes in reply to the government's letter dated August 6, 2024, which agrees to dismiss the above indictment without prejudice. We disagree. The indictment should be dismissed with prejudice.

On the 29th of July of 2024, Joseph R. Biden Jr., the President of the United States of America granted Mr. Konoshchenok a full pardon for the offenses charged in indictment number 22 Cr. 409 (HG). Mr. Konoshchenok was then removed from the United States and is no longer in this jurisdiction for prosecution.

The terms and the conditions of the full pardon are enumerated, specific, and do not include any waiver of a statute of limitations or Speedy Trial rights. The Office of the President of the United States and its counsel, one assumes is well able to write such a waiver into the grant of the full pardon; it chose not to do so.

Mr. Konoshchenok has never waived the Statute of Limitations. And, his waiver of Speedy Trial was limited in nature – until the start of trial in this case. That the government may not be otherwise able to effectuate the terms it set out in its grant of a full pardon, is hardly Mr. Konoshchenok's doing, and no reason for the indictment to be dismissed without prejudice.

Because the full grant of pardon does not include a waiver of the statute of limitations or speedy trial rights, we respectfully request the Court dismiss the indictment with prejudice.

I thank the Court for its time and consideration of this request.

Respectfully submitted,

/s/Sabrina P. Shroff
Counsel to Vadim Konoshchenok